

MT LEGISLATIVE HISTORY

Chapter 391 1975

Bill H _____ (S) 340

Original bill & hist. ____C

H. Committee on Labor & Employment
Relations

S. Committee on Education

Hearing Date(s) Mar 10 ✓C

Hearing Date(s) Feb 17 ✓C

____C

Feb 24 ✓C

____C

BEST COPY
AVAILABLE

____C

____C

____C

Date Out _____C

____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

1 Senate BILL NO. 340
2 INTRODUCED BY Booover M. Ball W. A. H. H.
3 Booover Lashenda
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE EMPLOYEES
5 AND STAFF OF THE SCHOOL FOR THE DEAF AND BLIND FROM THE
6 CLASSIFICATION AND COMPENSATION PLAN; AMENDING SECTION
7 59-904, R.C.M. 1947."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 59-904, R.C.M. 1947, is amended to
11 read as follows:
12 "59-904. Officers and employees excepted from
13 provisions of act. This act does not apply to the following
14 positions in state government:
15 (1) elected officials and their chief deputy and
16 executive secretary;
17 (2) officers and employees of the legislative branch;
18 (3) judges and employees of the judicial branch;
19 (4) members of boards and commissions appointed by the
20 governor, appointed by the legislature or appointed by other
21 elected state officials;
22 (5) officers or members of the militia;
23 (6) agency heads appointed by the governor;
24 (7) academic and professional administrative personnel
25 with individual contracts under the authority of the board

1 of regents of higher education;

2 (8) the employees and staff of the state school for
3 the deaf and blind whose compensation and qualifications are
4 determined by the board of public education under section
5 80-104;

6 ~~(6)~~ (9) personal staff of the elected officials
7 enumerated in Article VI, section 1, of the constitution of
8 Montana are exempt from sections 59-909, 59-910, and 59-911
9 of this act, and section 82A-1014."

-End-

[illegible]

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

February 17, 1975

The eighteenth meeting of the Education Committee was called to order by Senator Cnet Playlock, Chairman, on the above date in Room 402 of the State Capitol Building at 11:00 a.m.

ROLL CALL: All members were present except Senator McCallum.

CONSIDERATION OF SENATE BILL 340: An Act exempting the employees and staff of the School for Deaf and Blind from the classification and compensation plan.

Senator Goodover, sponsor, said the bill was prepared at the request of the director of the School for the Deaf and Blind.

Mr. Floyd McDowell of the School for the Deaf and Blind was present and stated he would be glad to answer any questions.

An opponent to this bill was Mr. Don Judge, field staff representative, American Federation of State, County and Municipal Employees, AFL-CIO. He said they are finding presently that salaries paid for the deaf and blind instructors at Boulder are higher than those salaries for the same positions being paid for other like positions at the school. If a state agency is excluded from the plan, we no longer have what this plan is going to do, which is to correct these things.

In closing, Senator Goodover said one unit is the Board of Education, not the unit of institutions. Institutions are separately listed. The State School for the Deaf and Blind is part of the Board of Education. There is no problem with institutions within their own category. He said this was part of state law, and nothing is being changed.

When questioned by the committee, Mr. McDowell said due to identification of children and their placement, many children were at Boulder. Some are now at the school in Great Falls. He added these teachers were hired as professionals. Most of the people are highly skilled in either Braille or communication with deaf children. There is no transferability.

The Chair closed testimony on the bill.

CONSIDERATION OF SENATE BILL 357: Act exempting public school districts from procedures in Sections 84-7201 through 84-7208, and requiring county budget board to follow school budget procedures.

Senator Colberg, sponsor, introduced Mr. Maurice Hickey, Acting Executive Secretary, Montana Education Association. He said the bill was introduced on behalf of people in the Missoula district. He added the problem relating to school budgets was brought to his attention some time ago. A copy of the testimony presented by Mr. Hickey is attached to the minutes.

ROLL CALL

EDUCATION COMMITTEE

44th LEGISLATIVE SESSION 1975

Date 2/11/75

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock, Chmn.	X		
Senator Paul F. Boylan, V. Chmn.	X		
Senator V. E. Cetrone	X		
Senator Richard A. Colberg	X		
Senator Frank Dunkle	X		
Senator Larry Fastender	X		
Senator William L. Mathers	X		
Senator George McCallum		X	
Senator Harold C. Nelson	X		
Senator Ann Seibel	X		
Senator Margaret Warden	X		

2117

578 100

Education

BILL NO. 533470

51333 /

VISITOR'S REGISTER

NAME	REPRESENTING	BILL NO	Check One	
			Support	Oppose
Patricia L. O'Brien	Dr. Eugene J. Kelly, Dept 1180	STR 14		✓
Kenn. Backus	1. 1180. 1180. 1180. 1180			✓
Linda Futscher	Residence Hall 1180	STR 14		✓
Wm. J. Smith	Yountville Student Lodge	STR 14		✓
Gen. J. J. J.	AFSCME AFA CFC	30240		✓
Maureen J. Hickney	West Eber-Tony, 1180	357	✓	
Walt. J. J.	SELF	357	✓	
DAVID P. HALVORSON	SELF	311214	✓	
J. J. J.		311214	✓	
E. J. McDowell	School for Dr. J. J. J.	3B340		



OFFICIO MEMBERS:

Thomas L. Judge, Governor

Dolores Colburn, Superintendent
of Public Instruction, Executive
Officer of Vocational Education
and Secretary to the BoardLawrence K. Pettit, Commissioner
of Higher Education

BOARD OF PUBLIC EDUCATION

APPOINTED MEMBERS:

Earl J. Barlow, Browning
Richard C. Bennett, Great Falls
Bruce M. Brown, Missoula
Carolyn M. Frojen, Missoula
Marjorie W. King, Winnett
(Vice Chairwoman)
Harriett C. Meloy, Helena
Fred H. Mielke, Havre,
(Chairman)

February 13, 1975

To: The Honorable Chet Blaylock
Chairman, Senate Education Committee

From: Earl Barlow *EDB*
Richard Bennett
Deaf and Blind School Committee
Board of Public Education

Re: Senate Bill No. 340

This committee of the Board of Public Education has asked Mr. McDowell to make a presentation to your committee regarding Senate Bill No. 340 on our behalf. The matter of exempting employees of the school from the state classification system has been discussed thoroughly by this committee and the entire Board and we feel confident that Mr. McDowell can state our position.

We regret that we cannot be in attendance at this hearing as we have been in Helena on several occasions. We do not want our lack of attendance to reflect disinterest.

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

February 24, 1975

The twenty-second meeting of the Education Committee was called to order by Senator Paul Boylan, Vice Chairman, as Chairman Blaylock was in another meeting for a short time. The meeting was held in Room 402 of the State Capitol Building on the above date.

ROLL CALL: All members were present.

DISPOSITION OF SENATE JOINT RESOLUTION 14: Senator Fasbender moved that SJR 14 DO NOT PASS. After committee discussion, Senator Fasbender withdrew previous motion and moved that SJR 14 BE LAID ON TABLE. The motion was seconded by Senator Warden and carried unanimously.

DISPOSITION OF SENATE JOINT RESOLUTION 17: Senator Cetrone moved and Senator Seibel seconded that SJR 17 DO PASS. The motion carried unanimously.

DISPOSITION OF SENATE JOINT RESOLUTION 21: Senator Fasbender moved and Senator Dunkle seconded that SJR 21 BE LAID ON TABLE. The motion carried with Senators Cetrone and Colberg opposed.

DISPOSITION OF SENATE BILL 340: After the committee members gave their opinion of the bill, Senator Fasbender moved and Senator Mathers seconded that SB 340 DO PASS. The motion carried with Senators Cetrone and Colberg opposed.

DISPOSITION OF SENATE BILL 357: Senator Colberg moved that SB 357 DO PASS. Mr. Maurice Hickey, Montana Education Association, said when the millage was passed in Missoula, there wasn't sufficient time to advertise and conduct a hearing. He added the whole procedure for hearing is under Title 75. The school boards cannot exceed millage from last year unless it has been approved by the governing board and taxing authority. Senators Mathers and Fasbender did not want to exclude the school districts from the requirement of 84-7201. Mr. Hickey said cities and counties have a fixed millage. School districts don't have because of fluctuation of voted levy. Senator Colberg recommended that the bill be amended to make it workable. Senator Mathers said there would have to be a new bill drafted rather than excluding all schools. Senator Colberg's motion lost with Senators Boylan, Cetrone, Dunkle, Fasbender, Mathers, McCallum, Nelson, Seibel and Warden opposed.

DISPOSITION OF SENATE BILL 368: Senator Warden moved and Senator Seibel seconded that SB 368 DO NOT PASS. The motion carried with Senators Cetrone, Colberg, Dunkle and McCallum opposed.

DISPOSITION OF SENATE BILL 364: Mr. Wallace Edland, Montana School

ROLL CALL

EDUCATION COMMITTEE

44th LEGISLATIVE SESSION 1975

Date 2/26/75

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock, Chmn.	X		
Senator Paul F. Boylan, V. Chmn.	X		
Senator V. E. Cetrone	X		
Senator Richard A. Colberg	X		
Senator Frank Dunkle	X		
Senator Larry Fasbender	X		
Senator William L. Mathers	X		
Senator George McCallum	X		
Senator Harold C. Nelson	X		
Senator Ann Seibel	X		
Senator Margaret Warden	X		

STANDING COMMITTEE REPORT

February 24

1975

MR. PRESIDENT

We, your committee on EDUCATION

having had under consideration SENATE Bill No. 340

Respectfully report as follows: That SENATE Bill No. 340

DO PASS

SENATE COMMITTEE

EDUCATION

Date

Bill No.

Time

NAME

YES

NO

Senator Chet Blaylock, Chairman		
Senator Paul F. Boylan, Vice Chairman	✓	
Senator V. E. Cetrone		×
Senator Richard A. Colberg		×
Senator Frank Dunkle	×	
Senator Larry Faspender	×	
Senator William L. Mathers	×	
Senator George McCallum	×	
Senator Harold C. Nelson	✓	
Senator Ann Seibel	×	
Senator Margaret S. Warden	✓	

Lynn Hiatt
Secretary

Chet Blaylock
Chairman

Motion:

(include enough information on motion--put with yellow copy of
Committee report.)

LABOR & EMPLOYMENT RELATIONS COMMITTEE

44TH Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date out
SB 340	Exempt employees and staff of the school for the deaf and blind from classification and compensation plan.	3/4	Goodover	3/10	BE CONCURRED IN	3/10
SJR 32	Urge the Anaconda Company to reconsider its action to eliminate jobs in the state of Montana.	4/9	Lynch Story	4/9	BE CONCURRED IN	4/9
SJR 33	Urge the Burlington Northern Railroad to reconsider its action reducing work forces in the state of Montana.	4/9	Story Lynch	4/9	BE CONCURRED IN	4/9

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS
HOUSE OF REPRESENTATIVES
March 10, 1975

A meeting of the Labor & Employment Relations Committee was held on Monday, on the above date at 10:30 a.m. in Room 108 of Capitol Building, with Chairman Kimble presiding. Representatives Dassinger and Ellis were excused with all other members present.

The following bills were heard in this order: SB 340
SB 58
SB 114
SB 385
SB 119

SB 340--SPONSOR: Pat Goodover, district 22, introduced this act by request of Floyd McDowell, Superintendent of MT School for the Deaf & Blind. Mr. McDowell said the bill only clarifies a possible conflict between the state classification and pay plan, with the existing statutes. He submitted a copy of the present statutes (exhibit I), and said that the law should have exempted the deaf and blind staff from conforming with these statutes, as they are already covered by the Board of Education. Their personnel must obtain certain specialized skills, i.e., sign language, speech, braille. Because of this recruiting for personnel, in 60 to 70 percent of the cases, is done on a regional or national level (exhibit II).

SB 58--SPONSOR: Carroll Graham, district 29, was represented by Senator Himsel, as he could not appear. This bill would require payment of Workmen's Compensation benefits under Plan III, the state plan, to operate under the experience rating system, and that actuarial figures be used in maintaining sound industrial insurance fund. Norm Grosfield, administrator, WCD, said that the division had planned to do this in the future. Jim Murry, AFL-CIO, said this bill would encourage industrial safety in plants, by basing their employment on an experience rating.

SB 114--SPONSOR: John Mehrens, district 45, said this bill was by request of the Workmen's Comp. Division. Norm Grosfield, administrator, WCD, said that this was an advisory council bill, allowing the insurer to pay total-temporary benefits before the hearing was held. This would allow the claimant to have the hearing in his requested area (see exhibit IV). Jim Murry, AFL-CIO, said their concern was to get the benefits to the claimant as soon as possible. George Wood, MT Self-Insurers Assn., also supported the bill.

SB 386--SPONSOR: Chet Blaylock, Laurel, said this bill would remove the limitations on assessment amounts to self-insurers (Plan I under Workmen's Compensation) and private companies. WC Division should be able to charge a fair assessment to all three plans, based on proper accounting and cost allocation procedures. Presently, Plan III is the only one without a limitation. Norm Grosfield, administrator, WCD, said this would be in line with the legislative audit report. Plans I and II are presently assessed on a set statutory fee and Plan III picks up the rest. Jim Murphy, WCD,

Their being no further testimony, the committee went into executive discussion.

SB 119--MAGONE MOVED SB 119 BE CONCURRED IN, SECONDED BY JOHNSON.
MOTION CARRIED UNANIMOUSLY.

SB 340--BABCOCK MOVED SB 340 BE CONCURRED IN, SECONDED BY ELLERD.
MOTION CARRIED UNANIMOUSLY.

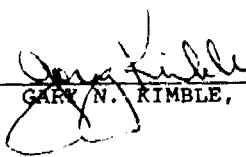
SB 58--JOHNSON MOVED SB 58 BE CONCURRED IN, SECONDED BY KELLY. MOTION
CARRIED UNANIMOUSLY.

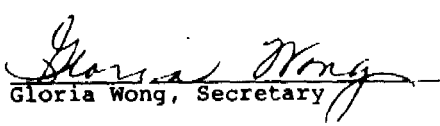
SB 385--BABCOCK MOVED THAT THE AMENDMENTS SUBMITTED BY GEORGE WOOD BE
CONCURRED IN, SECONDED BY ELLERD. Johnson opposed the amendments
as he felt they gutted the bill. In its original form, the bill
would bring equity in sharing the financial burdens that are
subject to all three plans. MOTION FAILED WITH ELLERD, GUTHRIE,
SIVERTSEN AND BABCOCK IN FAVOR, AND ALL OTHERS OPPOSED.

JOHNSON MOVED SB 385 BE CONCURRED IN, SECONDED BY KELLY. MOTION
CARRIED WITH ALL IN FAVOR EXCEPT GUTHRIE, ELLERD, SIVERTSEN,
AND BABCOCK OPPOSED.

SB 114--BABCOCK MOVED SB 114 BE CONCURRED IN, SECONDED BY ELLERD. MOTION
CARRIED UNANIMOUSLY.

There being no further business, the meeting was adjourned to reconvene
March 12, 1975.


GARY N. RIMBLE, Chairman


Gloria Wong, Secretary

Epheus
3-10-75

citizens. Increased and additional facilities shall be provided, from time to time, for the more thorough and successful training of those who show a special aptitude for becoming proficient at such trades or vocations. In the interest of economy and increased opportunities for vocational education and training, and in order that pupils may be practically taught such trades and vocations, so much of all carpentering, printing, painting, baking, sewing, and other or similar work necessary to be done for and in and about the school as the superintendent of the school may deem practical, shall be done by such pupils under competent teachers and foremen, permanently or temporarily employed for such purpose, and this requirement shall apply to both male and female pupils.

History: En. Sec. 2, Ch. 182, L. 1940.
En. Sec. 1, Ch. 189, L. 1940.

Cross-Reference

Building specifications for accommodation of handicapped persons, secs. 69-3701 to 69-3710.

80-104. Rules and regulations by state board of education. The state board of education shall adopt and prescribe such rules and regulations as may seem necessary and proper for the maintenance and government of the school, the admission of children thereto in conformity with the provisions of this act, and the qualifications and compensation of the superintendent and teaching staff of the school, provided that said superintendent must have a ready and working knowledge of the sign language and must have taught three (3) or more years in a school for the deaf.

History: En. Sec. 3, Ch. 182, L. 1943.

80-105. Eligibility of children for admittance. On proper application being made therefor, deaf and blind children who have reached the age of five (5) and who are not more than eighteen (18) years of age residing within the state of Montana, and nonresident children, between such ages, who are not mentally deficient, dangerously diseased in body, or of confirmed immorality, or incapacitated for useful instruction by reason of physical disability, may be admitted to such school.

History: En. Sec. 4, Ch. 182, L. 1943.

80-106. When duty of parent, guardian of child to make application for admission of child—penalty. Every parent, guardian, or other person having the custody or control of any child between the ages of five (5) and eighteen (18) years, whose hearing or sight is so defective that such child cannot be properly educated in the public schools of the state, shall make application to the superintendent of said school for admission to such school for at least nine (9) months during each school year for a period of ten (10) years, unless such child is being taught in a private school or in a similar institution in another state which affords such child an education to the same extent as such child can receive in the Montana state school for the deaf and blind; or unless such child be found, for any reason, to be ineligible to admission to such school. If such child is being taught in a private school, or in a similar institution in another state, such attendance must be for at least nine (9) months in each year for ten (10) years, unless such child shall arrive at the age of twenty-one (21) years, or shall have become self-sustaining before the expiration of such ten (10) year period.

SUPPORTIVE RATIONALE CONCERNING SB-340

1. Under RCM 80-104, the Board of Public Education is charged with the responsibility for supervision and governance of personnel of the School for the Deaf and the Blind.
2. Passage of the Employee Classification law did not make reference to the repeal of 80-104, therefore, SB-340 was introduced to clarify the authority and responsibility of the Board of Public Education in regards to the School for the Deaf and the Blind.
3. Personnel of the school, including teachers, professionals, child-care workers, and janitors are required to have, or obtain certain specialized skills in such areas as sign language, speech, braille, psychology of the handicapped, and behavioral development. These skills are unique in that this is the only state agency hiring such people.
4. Because of the above reasons, recruiting for personnel in 60 to 70 per-cent of the cases is done on a regional (Northwest States) or national level.
5. Teachers and other professionals are contracted

~~_____~~
6. The Board of Public Education considered all ramifications and stated their position on the matter and is in favor of the provisions in SB-340.

7. The professional staff voted unanimously in favor of the provisions of SB-340.

8. If employees of the school were to be under Employee Classification and Pay Plan, there is an absence of one key provision which is important in the classification system - - that being the career ladder opportunity. This would not be available to our personnel because we are the only agency hiring people with the combination of training and experience inherent in working with the deaf or the blind.

9. Control of hiring should remain with the Board of Public Education.

NAME Flag J. McDannell Bill No. 50240
ADDRESS School for Deaf & Blind - Great Falls Date 3/10/70
WHOM DO YOU REPRESENT? Board of Public Educ. & School
SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Pat M. Gooper Bill No. SB-340
ADDRESS _____ Date _____
WHOM DO YOU REPRESENT? Scholar for Leaj & Shind
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME

Edward G. Walters

Bill No.

S.B.
340

ADDRESS

4142-5th Ave. So., Great Falls

Date

3-10-75

WHOM DO YOU REPRESENT?

School for the Deaf & Blind

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1 SENATE BILL NO. 340
2 INTRODUCED BY GOODOVER, MCCALLUM, MATHERS,
3 BOYLAN, FASBENDER, ROBERTS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE EMPLOYEES
6 AND STAFF OF THE SCHOOL FOR THE DEAF AND BLIND FROM THE
7 CLASSIFICATION AND COMPENSATION PLAN; AMENDING SECTION
8 59-904, R.C.M. 1947."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 59-904, R.C.M. 1947, is amended to
12 read as follows:
13 "59-904. Officers and employees excepted from
14 provisions of act. This act does not apply to the following
15 positions in state government:
16 (1) elected officials and their chief deputy and
17 executive secretary;
18 (2) officers and employees of the legislative branch;
19 (3) judges and employees of the judicial branch;
20 (4) members of boards and commissions appointed by the
21 governor, appointed by the legislature or appointed by other
22 elected state officials;
23 (5) officers or members of the militia;
24 (6) agency heads appointed by the governor;
25 (7) academic and professional administrative personnel

1 with individual contracts under the authority of the board
2 of regents of higher education;
3 (8) the employees and staff of the state school for
4 the deaf and blind whose compensation and qualifications are
5 determined by the board of public education under section
6 80-104;
7 ~~48~~ (9) personal staff of the elected officials
8 enumerated in Article VI, section 1, of the constitution of
9 Montana are exempt from sections 59-209, 59-910, and 59-911
10 of this act, and section 82A-1014."

-End-

REFERENCE BILL